

### REMARKS

This application has been reviewed in light of the Office Action dated April 28, 2009. Claims 1, 3, 7-11, 13-21, 23, 25, 29-33, 35-43, 45, 49-58, and 60-66 are pending, of which claims 1, 23, 45, and 60 are independent. Claims 2, 24, and 46 have been canceled. The independent claims, along with dependent claims 3, 8, 25, 30, 49, and 64, have been amended to further clarify distinctions between the present invention and the cited art. Support for the amendments can be found throughout the originally filed disclosure, including in the specification at least at paragraphs [0017], [0020], [0024]-[0025], [0038]-[0040], and [0059], and in Fig. 1 of the drawings. Thus, Applicants submit that no new matter has been added by this Amendment.

Claims 1, 7-13, 19, 20, 23, 29-35, 41, 42, 45, 50-54, 57, and 60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0072993 to Sandus et al. (*Sandus*), in view of U.S. Patent Application Publication No. 2002/0026380 to Su (*Su*) and U.S. Patent Application Publication No. 2003/0033205 to Nowers et al. (*Nowers*). Claims 2, 24, and 46 stand rejected under § 103(a) as being unpatentable over *Sandus* in view of *Su* and *Nowers*, and further in view of U.S. Patent Application Publication No. 2001/0044751 to Pugliese et al. (*Pugliese*). Claims 3, 25, and 49 stand rejected under § 103(a) as being unpatentable over *Sandus* in view of *Su* and *Nowers*, and further in view of U.S. Patent Application Publication No. 2003/0083957 to Olefson (*Olefson*). Claims 14, 15, 36, and 37 stand rejected under § 103(a) as being unpatentable over *Sandus* in view of *Su* and *Nowers*, and further in view of U.S. Patent Application Publication No. 2005/0075940 to DeAngelis (*DeAngelis*). Claims 16-18, 38-40, 55, and 56 stand rejected under § 103(a) as being unpatentable over *Sandus* in view of *Su* and *Nowers*, and further in view of U.S. Patent

Application Publication No. 2003/0195818 to Howell et al. (*Howell*). Claims 21, 22, 43, 44, 58, and 59 stand rejected under § 103(a) as being unpatentable over *Sandus* in view of *Su* and *Nowers*, and further in view of U.S. Patent Application Publication No. 2003/0069832 to Czepluch (*Czepluch*).

Applicants respectfully traverse the rejections. Nevertheless, without conceding the propriety of any rejection, Applicants have amended independent claims 1, 23, 45, and 60 and submit that these claims, as well as those depending from them, are patentable for at least the following reasons.

Independent claim 1, as amended, recites a method for a user to shop online in a three dimensional (3D) virtual reality (VR) setting. This method includes displaying a virtual shopping location on a user computer in a 3D interactive simulation view via a web browser to emulate a real-life shopping experience for the user, the virtual shopping location being streamed from the shopping server to the user computer through a streaming media channel. As Applicants discuss in their originally filed specification at paragraph [0004], a previously-known method for displaying virtual environments, i.e., downloading the environment to the user and rendering it locally, resulted in increased downloading times associated with using the environment. Thus, by the method of claim 1, a virtual shopping location can be streamed to the user computer, allowing the user to shop online with less downloading time.

With regard to claim 1, the Office Action states that *Sandus* teaches displaying a virtual shopping location to a user computer in a 3D interactive simulation view. Specifically, the Office Action relies on Fig. 2. As Applicants understand *Sandus*, this figure illustrates a three-dimensional appearance of a mall. As discussed at paragraph [0077], the mall can be

viewed by a user through a graphic consumer interface (GCI), which may implement interactive virtual reality (IVR). The GCI may be accessed via a web browser or browser plug-in.

*Sandus* fails to teach displaying a virtual shopping location that is streamed from a shopping server to a computer through a streaming media channel, as recited in claim 1. While *Sandus* discloses using a web browser in connection with the display of a three-dimensional virtual mall, it fails to contemplate any particular method for carrying out such display. Therefore, Applicants submit that claim 1 is patentable over *Sandus*.

On this point, Applicants note that paragraph [0156] of *Sandus* discloses streaming video through windows in a virtual mall. This passage, however, does not discuss streaming from a shopping server through a streaming media channel, nor does it discuss streaming the virtual shopping location itself. Accordingly, this passage in *Sandus* adds nothing to the deficient disclosure discussed above in connection with Fig. 2.

Independent claim 1, as amended, further recites a step of providing a virtual concierge in the virtual shopping location, the virtual concierge being linked to a concierge database which is connected to the shopping server.

*Pugliese* discloses a method of providing service support where a merchant and consumer communicate through audio and video. The Office Action cites to the *Pugliese* publication for a teaching of introducing a concierge to a user. Specifically, the Office Action relies on paragraph [0062] of *Pugliese*. The cited paragraph defines a virtual agent as a remote assistant that provides service through a remote home video station. This agent is an actual person, communicating with the users remotely by video, as discussed at paragraphs [0062] and [0136]. In contrast, claim 1 recites a virtual concierge. *Pugliese* is silent as to this feature and, moreover, fails to even contemplate a concierge database, as further recited in claim 1.

Therefore, Applicants submit that *Pugliese* fails to teach or suggest a virtual concierge linked to a concierge database, as recited in amended claim 1.

The secondary citations to *Su*, *Rollins*, *Nowers*, *Olefson*, *DeAngelis*, *Howell*, and *Czepluch* fail to compensate for the deficiencies in *Sandus* and *Pugliese* discussed above. Therefore, Applicants submit that claim 1 is patentable over the cited art, whether that art is taken alone or in combination.

Independent claims 23, 45, and 60 include features similar to those discussed above with regard to claim 1. Thus, the reasoning set forth with regard to claim 1 is similarly applicable to these claims. Accordingly, Applicants submit that claims 23, 45, and 60 also are patentable over the cited art.

The remaining rejected claims directly or indirectly depend from one of the independent claims. Therefore, these claims are patentable at least owing to their respective dependencies. Moreover, since each dependent claim defines an additional aspect of the invention, Applicants request individual reconsideration of the patentability of each dependent claim on its own merits. In particular, several dependent claims have been amended, and Applicants submit that these claims are patentable for the additional reasons that follow.

Dependent claims 3, 25, and 49 each recite a method that includes presenting a real estate property in a 3D interactive simulation view. As amended, each of these claims further recites that such presentation includes religious, educational, governmental, and meteorological information relating to the real estate property. Thus, when viewing the real estate property, the user is presented with information of interest beyond that which is limited to within the physical boundaries of the property.

*Olefson* fails to teach the features of claims 3, 25, and 49. The Office Action states that paragraph [0006] of *Olefson* teaches selling real estate property in a virtual reality environment. This cited paragraph simply describes “touring” real estate properties remotely. While Applicants note that paragraph [0004] of *Olefson* does disclose the display of standardized information about the real estate property itself, *Olefson* is silent as to displaying cultural, religious, educational, governmental, and meteorological information relating to the real estate property. Therefore, Applicants submit that the features of dependent claims 3, 25, and 49 are patentable over *Olefson*.

Dependent claims 8, 30, and 64, as amended, recite that at least one of the actual store websites has enhanced VR features targeting at least one of the user’s senses of smell and touch. By virtue of such enhanced VR features, the user is able to interact with the virtual shopping location realistically, and thus receives more accurate impressions of the stores and products.

*Sandus* fails to teach the features of claims 8, 30, and 64. Relying on Fig. 3 of *Sandus*, the Office Action states that *Sandus* teaches an actual store website with one or more advanced VR features. As Applicants understand *Sandus*, this figure illustrates a three-dimensional appearance of a store. While Applicants note the cited paragraph may teach VR features targeting the user’s sense of sight, *Sandus* is silent as to features targeting the user’s sense of smell or touch. Therefore, Applicants submit that the features of dependent claims 8, 30, and 64 are patentable over *Sandus*.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. However, if such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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